

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

EDWARD CHATTERLY, ET AL. §

v. § CIVIL ACTION NO. 6:06cv185

MATT FOREE, ET AL. §

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of Defendants' 12(b)(6) Motion to Dismiss (document #5), has been presented for consideration. The Report and Recommendation recommends that the motion to dismiss be denied. No written objections have been filed in response to the Report and Recommendation.¹ Therefore, the findings and conclusions of the Magistrate Judge are hereby adopted as those of the Court.

In light of the foregoing, it is

ORDERED that Defendants' 12(b)(6) Motion to Dismiss (document #5) is **DENIED**. This Order has no effect on Defendants' pending Renewed 12(b)(6) Motion to Dismiss.

So ORDERED and SIGNED this 9th day of August, 2006.



LEONARD DAVIS
UNITED STATES DISTRICT JUDGE

¹It is noted that Defendants filed a Renewed 12(b)(6) Motion to Dismiss (document #16) on July 17, 2006, which is still pending.

